IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.B.KOSHY
&
THE HONOURABLE MR. JUSTICE V.GIRI

SATURDAY, THE 18TH AUGUST 2007 / 27TH SRAVANA 1929

MFA.No. 636 of 2001()

OPMV.824/1996 of MOTOR ACCIDENT CLAIMS TRIBUNAL, NEYYATTINKARA
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APPELLANT/APPLICANT:

S.GIREESAN ASARI,S/O.SUKUMARAN ASARI, 'GEETHA BHAVAN', KONNIYOOR, POOVACHAL P.O. THIRUVANANTHAPURAM.

BY ADV. SRI.V.N.ACHUTHA KURUP

RESPONDENTS/RESPONDENTS:

1.Y.A.RAHIM,LANDOUR ROADWAYS, T.C.5/1300, THIRUVANANTHAPURAM.

2.A.SHAJAHAN,NANAMALA KUNNUMPURATHU VEEDU, ARUVIKKARA,THIRUVANANTHAPURAM.

3.THE DIVISIONAL MANAGER, UNITED INDIA INSURANCE CO. LTD., THIRUVANANTHAPURAM.

BY ADV. SRI.JAMES KURIAN FOR R3

THIS MISC. FIRST APPEAL HAVING BEEN FINALLY HEARD ON 18/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

J.B.KOSHY & V.GIRI, JJ.

M.F.A.NO.636 OF 2001 ()

Dated this the 18th day of August, 2007

J U D G M E N T

KOSHY,J.

Appellant/petitioner, a tourist taxi driver met with an accident and as a result of which, he sustained fracture of the 6th rib (L), fracture of nasal bone, abrasion over the chin and sprain (L) wrist and even after the treatment, he was unable to drive. No disability certificate was produced. But 4% disability was assessed by the tribunal after seeing the claimant and compensation was assessed taking 18 as the multiplier. It is come out in evidence that from the place of accident he was taken to the Medical Trust Hospital, Ernakulam and from there to Medical College Hospital, Thiruvananthapuram. For treatment expenses and bye-stander expenses, only Rs.2,500/- was awarded. For purchase of medicines only Rs.1,511.94 was awarded. Considering the long treatment he has undergone and taking the fact that he was treated at Ernakulam and

Thiruvananthapuram as he was a native of Poovachal in Alleppey, we are of the opinion that more amount ought have been awarded for treatment expenses and thus we award Rs.7,000/- more for treatment and medical expenses. Since no disability certificate is produced, we are of the opinion that compensation awarded under other heads are reasonable even though it was contended that he is unable to undertake long journey and he is unable to drive a taxi and he lost employment due to the injuries caused in the accident. The additional amount of Rs.7,000/- should be deposited by the 3rd respondent Insurance company with 7.5% from the date of application till deposit, over and above the decreed amount by the Tribunal and on deposit of the amount, appellant is free to withdraw the same. Accordingly appeal is allowed partly.

J.B.KOSHY, JUDGE

V.GIRI, JUDGE

prp

J.B.KOSHY & V.GIRI, JJ.

M.F.A.NO.636 OF 2001 ()

J U D G M E N T

18th August, 2007